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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/759,578

01/16/2004

Atul Batra

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08/08/2007

ORRICK, HERRINGTON & SUTCLIFFE, LLP

IP PROSECUTION DEPARTMENT

4 PARK PLAZA

SUITE 1600

IRVINE, CA 92614-2558

EXAMINER

EL-ZOOBI, MARIA

ART UNIT

PAPER NUMBER

2609

MAIL DATE

DELIVERY MODE

08/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/759,578

Applicant(s)

BATRA ET ALand Pavel Houda.

Examiner

Maria El zoobi

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 1-11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/16/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 1, and 11 are objected to because of the following informalities:

Claim 1, lines 3, with limitation "couplable" should be changed –
coupled --.

Claim 11, lines 2, with limitation "togglable" should be – toggle --,
Appropriate correction is required.

Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-15 rejected under 35 U.S.C. 102(e) as being anticipated by Michael et al. (US 6,732,368)

Regarding Claim 1, Michael discloses a messaging system (Fig. 4) Comprising:

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A display device (fig4, el.50) having control system (fig 4, el. 40) and an input signal sensor (fig 4, el.40 with IR receiving sensor), and a remote control device (fig 4, el.60) operably couplable (couple) to the input signal sensor (see fig 4 in which el. 40

communicate with el.60 showing by double arrows communication) and (col.7, line. 25-28), the remote control device including a touch sensitive pad area (col. 2, line. 59-60 and fig. 5, el. 60) and a signal transmitter (not shown but inherent) , wherein the control system causes messages contained in input signals received from the remote control device to be displayed on an display screen. (col. 3, lines. 54-59 and col. 5, lines.29-45).

Regarding Claim 2, Michael further discloses, wherein the control system is manipulatable to cause the messages to be sent to a system mailbox (col. 5, lines. 1-7)

Regarding claim 3, Michael further discloses, wherein the control system is manipulatable to cause the messages to be erased. (col. 6, line. 24-25)

Regarding claim 4, Michael further discloses, wherein the control system is manipulatable to cause the messages to be replied. (col. 6, lines.14-17 and col. 6, lines. 51-55).

Regarding claim 5, Michael further discloses , wherein the display device is a Television (col.6, lines.51-55).

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Regarding claim 6, Michael further discloses, wherein the control_system includes a central processing unit (CPU) and an on screen display control coupled to the CPU and the display screen. (col.7, lines. 22-24) and (col.1, lines. 42-46).

Regarding claim 7, Michael further discloses, wherein the CPU includes nonvolatile memory (col.3, lines.63-67 and col.4, lines.1-5).

Regarding claim 8, Michael further discloses comprising messaging_software stored in the nonvolatile memory and running on the CPU (col.3, lines.63-67 and col.4, lines.1-5).

Regarding claim 9, Michael further discloses , wherein the remote control includes a message button to activate the message system (col. 2, lines. 55-60).

Regarding claim 10, Michael further discloses, wherein the remote control includes a plurality of input mode keys (col. 3, lines. 19-24).

Regarding claim 11, Michael further discloses, wherein the remote control includes an input mode key toggable (toggle) between a plurality of input modes (Col.3, lines.19-24).

Regarding claim 12 Michael further discloses, wherein the remote control includes a stylus (col. 2, lines. 59-60).

Regarding claim 13, Michael further discloses, wherein the remote control includes a microprocessor (col. 2, lines. 55-60).

Regarding claim 14 Michael further discloses, wherein the remote control includes nonvolatile memory (col.2, lines. 55-60).

Regarding claim 15, Michael further discloses, wherein the remote control includes character recognition software stored in the nonvolatile memory and running on the microprocessor (Col.2, lines.55-60).

Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Falvo, (US 2003/0140343) and further in view of Croy (US 6,476,825).

Regarding claim 16, Falvo discloses a remote wireless device (Fig. 6), comprising:

a microprocessor (Abstract: lines. 8-12, Fig2 ,not shown but inherent)

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a touch sensitive pad area coupled to the microprocessor (Fig. 6, el.610, page4, paragraph 0052).

a signal transmitter(not shown but inherent) coupled to the microprocessor (paragraph 0011,lines6-9)

Falvo does not clearly disclose nonvolatile memory coupled to the microprocessor.

Croy disclose nonvolatile memory (page5, line34-35) coupled to the microprocessor (Fig.2).

Falvo discloses a Character recognition software store in the nonvolatile memory and running on the microprocessor (paragraph. 0053).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Falvo in view of Cory's remote device with the nonvolatile memory so to develop the remote wireless device.

Regarding claim 17, Falvo further discloses, remote control includes a message button to activate a message system. (Fig 7, Fig 8, Fig 9 with related buttons).

Regarding claim 18, Falvo further disclose a remote control includes a plurality of input mode keys (Fig 7-11;page 7, claim 20).

Regarding claim 19, Falvo further disclose a remote control includes an input mode key togglable (toggle) between a plurality of input modes (Fig7-11; page 7, claim 20).

Claim 20 rejected under U.S.C. 103(a) as being unpatentable over Falvo(US 2003/0140343) in view of Croy (US 6,476,825)and further in the view of Segal (US 6,765,557).

Regarding claim 20, Falvo in view of Croy does not expressly disclose that the remote control includes a stylus.

Segal disclose remote control include a stylus (col7, line36-45)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Berry in view of Croy remote device using a stylus, as taught by Segal, so to navigate/ write a message on the touch pad, as suggested by Segal (col7, line36-45)

Conclusion

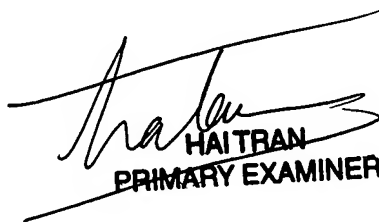
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria El zoobi whose telephone number is 571-270-3434. The examiner can normally be reached on Monday-Friday (8AM-5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on 571-272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M EL

08/06/2007


HAI TRAN
PRIMARY EXAMINER